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CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA  
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UNITED STATES DISTRICT COURT  
WESTERN DISCTRICT OF WASHINGTON  
AT TACOMA

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UNITED STATES OF AMERICA

CASE NO. 05-5823 RBL

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Plaintiff,

Order Re Dunigan's Motion for  
Pretrial Deposition (proposed) *[Signature]*

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v.

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THOMAS EVANS DUNIGAN, et. al.  
Defendant.

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## Order

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Defendant Thomas Dunigan moves the Court pursuant to FRCr 15 for an order allowing him to depose several witnesses<sup>1</sup> who will be unavailable for trial in February 2007. He further asks the Court to preside over these depositions and to do so with a videogrphaher.

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The Court finds that the unavailability of these witnesses constitutes "exceptional circumstances" as contemplated by the above rule and orders that such

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<sup>1</sup>These witnesses are: (1) Sgt. Luis Macias (Hqr. Company 2/3 Inf. Battalion Ft. Lewis); (2)Sgt. Marson Soaladaob ("A" Company 2/3rd Inf. Battalion Ft. Lewis) and (3) Specialist Larry Morris ("C" Company, 2/3rd Inf. Battalion Ft. Lewis).

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Order for pretrial deposition (proposed)

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1 depositions take place in the interests of justice. Accordingly, the individuals set  
2 forth in footnote 1 above shall be deposed on the following date, at U.S. District  
3 Court in Tacoma, in Courtroom 3, with a videographer if the defense so desires:  
4 June 21, 2006 at 9:30 am/pm. These depositions will not be presided over  
5 by Judge Leighton. The cost for witness/videographer fees shall be borne by  
6 Defendant Dunigan and each party shall be responsible for the cost of obtaining a  
7 copy of the same. The Clerk shall issue subpoenas for the above witnesses  
8 immediately.

9  
10 Entered this 13<sup>th</sup> date of June, 2006.  
11   
12 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE

13 Presented By:

14 By: /s/ MARY K. HIGH, WSBA #20123  
PHIL BRENNAN, WSBA #25711\*  
15 Attorney for Def. Dunigan; Date: 6/9/06

16 Approved orally following email review:

17 By: /s/ GREGORY GRUBER, AUSA  
KENT LIU, AUSA  
18 Attorneys for the United States; Date: 6/9/06

19 Approved orally:

20 By: /s/ CHARLES JOHNSTON,  
Attorney for Michael Jordan; Date: 6/9/06

21 Approved by Ms. Olson orally as to form, no position as to merits at this time:

22 By: /s/ ZENON OLBERTZ  
PAULA OLSON  
23 Attorneys for Marcus Moore; Date: 6/9/06

Order for pretrial deposition (proposed)

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